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Comments

Changing of the Guard: A United Nations Security Council Decision on a Uniform Airport Security Standard for Member Nations

Corey J. Adamson*

Millions of travelers pass through airport security everyday, both for national and international flights. Depending on the level of security, and how rigorously security measures are implemented, these travelers may be required to remove their shoes, have their laptops tested, and have their carry-on bags thoroughly searched. However, despite such measures, terrorists still manage to wreak havoc aboard flights, both nationally and internationally.¹ This ineffectiveness of airport security is not only evident in the United States,² but in other countries, including

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1. See generally RODNEY WALLIS, *HOW SAFE ARE OUR SKIES? ASSESSING THE AIRLINES' RESPONSE TO TERRORISM* (2003) (discussing, in detail, a number of terrorist attacks on civil aviation, including September 11th, and the security measures in place prior to the events and those enacted after).

2. See Matthew L. Wald, *Airport Screening Still Falls Short, Tests Find*, N.Y.

Russia.³ It seems that in every country, the standard of security, what is required to pass through the screening gates, differs.⁴ Conflicting standards create diverse levels of security, and too much differentiation translates into danger for international security, because it will not take terrorists long to determine where airport security is least effective and utilize these weaknesses to continue to use civil aviation as a means of inflicting terror. The international community has recognized terrorism in the field of civil aviation for some time.⁵ Kofi Annan, the Secretary General of the United Nations, has called upon the international community to come together to combat the menace of terrorism.⁶ Unfortunately, terrorism remains a very real threat to air travel.

The primary impetus of this Comment is the terrorist attack of September 11, 2001, where airport security arguably suffered its worst failure. Four of the five Flight 77 hijackers set off metal detectors before being allowed to board the plane that crashed into the Pentagon;⁷ two of them set off the detectors twice, were scanned with handheld wands, and then were allowed to board.⁸ When utility knives were discovered as they passed through security, the hijackers were not questioned by the security screeners at Dulles International Airport.⁹ One of the terrorists had even been added to a terrorism watch list compiled by the U.S. government.¹⁰ Three of the four hijacked planes were crashed into buildings that day, killing all on board and many more in the buildings themselves.

The potential for such tragedy has increased due to the greater volume of travel¹¹ and the introduction of larger commercial aircrafts.

TIMES, Sept. 24, 2004, at A18.

3. See C.J. Chivers, *Russians Cite Porous Security in Jet Bombings*, N.Y. TIMES, Sept. 16, 2004, at A1.

4. See WALLIS, *supra* note 1, at 65.

5. See, e.g., Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Sept. 23, 1971, 24 U.S.T. 565. The Convention was originally aimed at combating attacks onboard aircraft, and its scope was widened in 1988 to cover attacks on airports. See WALLIS, *supra* note 1, at 62.

6. See *What is the UN doing to combat terrorism?*, available at <http://www.un.org/geninfo/faq/factsheets/fs8.htm> (last visited Jan. 10, 2005).

7. See Siri Agrell, *Hijackers Set Off Alarms, Still Allowed on Plane: Flight 77 Crashed into Pentagon Minutes Later*, NAT'L POST, July 22, 2004, at A1, available at 2004 WL 85153535.

8. *Id.* Security personnel directed the two hijackers to another area, where one of their bags was examined, and subsequently the hijackers were cleared to board. *Id.*

9. See *Airport Screeners Let Hijackers Board with Utility Knives*, KITCHENER-WATERLOO REC. (Can.), July 23, 2004, at A9.

10. *Id.* At the airport, the hijacker faced additional scrutiny because he could not understand English and because the screener found him to be suspicious. In spite of this, he was eventually allowed to pass through. *Id.*

11. See Jack H. Daniel III, Comment, *Reform in Airport Security: Panic or Precaution?*, 53 MERCER L. REV. 1623, 1624 (2002).

Recently, in Europe, a colossal new plane was introduced that seats up to 555 people, has a 262-foot wingspan, and at maximum capacity would weigh 1.2 million pounds.¹² The destruction and loss of life that terrorists could inflict if they ever secured control of such a massive aircraft is unimaginable; but with marginal airport security, such an occurrence is not unthinkable.

Horrendous events like the September 11th attacks are often followed by legislative action focused on improving airport security.¹³ Even with these measures aimed at improvement, the potential for more attacks is enormous. This Comment proposes a globally uniform standard of airport security. Further, this Comment suggests that the best means to achieve this is for the United Nations Security Council to determine an effective system of airport security and to require compliance with this system through the issuance of a resolution. Part I of this Comment examines the weaknesses of individual airport security systems and the results of ineffective security. The power and authority of the United Nations Security Council to establish a uniform standard of airport security for all United Nations member nations is discussed in Part II, followed by a proposed framework for a global airport security standard in Part III. Part IV concludes the Comment.

I. An Examination of Problems in Member Nations' Airport Security

Every nation has an interest in its airport security, whether it has been victim of terrorist attacks or it has maintained safe civil aviation standards. However, security measures that prevent terrorists from ever boarding an aircraft vary across the globe.

A. *United States Airport Security*

Approximately two months after the September 11th attacks on the United States, President Bush signed the Aviation and Transportation Security Act of 2001 (ATSA), which Congress passed specifically to improve security in airports and on-board airliners.¹⁴ The ATSA created the Transportation Security Administration (TSA), whose main function is to screen passengers and their baggage to ensure safety throughout United States airports.¹⁵ For the first time in United States history, civil

12. See Mark Landler, *Airbus Unveils A380, a Giant Fit for 555*, N.Y. TIMES, Jan. 19, 2005, at C1. The Airbus A380 also has a fuel capacity of almost eighty-two thousand gallons. *Id.*

13. See Daniel III, *supra* note 11, at 1624 (discussing other terrorist attacks that utilized aircraft).

14. See THE U.S. TRANSPORTATION SECURITY ADMINISTRATION 10 (Steven L. Labov ed., Mason Crest Publishers 2003).

15. *Id.*

aviation security for all 429 commercial airports became a direct federal responsibility.¹⁶ In addition to reinventing its own airport security system, the United States government has helped foreign countries implement changes to meet international aviation security standards.¹⁷

Unfortunately, despite the creation of a new governmental entity, problems in airport security in the United States persist. In several undercover government tests, federal airport screeners and luggage inspectors missed knives and guns.¹⁸ In addition, one out of every four fake bombs inspectors attempted to sneak through security checkpoints during weekly tests over a four month period.¹⁹ At New Jersey's Newark Liberty International Airport, screeners found a fake bomb during a training exercise and then lost it.²⁰ Another test by the Government Accountability Office found that undercover agents slipped guns, knives, and box cutters past security screeners.²¹

Even individuals who are not allowed to board an aircraft have managed to evade security screeners.²² Recently, the singer formerly known as Cat Stevens (now known as Yusuf Islam after becoming a Muslim) boarded a United Airlines aircraft despite being on a "no-fly" list.²³ For any individual who is on the "no-fly" list, airline officials must stop individuals at the gate, but by the time Stevens' name raised a "red flag" with officials, his plane had already taken off with him on board.²⁴

Ineptitude at the security gates is not the TSA's only problem.²⁵ First, the administration will pay more than \$1.5 million to nearly 15,000 airline passengers who have claimed that items in their checked baggage

16. *Id.*

17. *Id.* at 57. This support from the United States suggests it would cooperate were the Security Council to establish a uniform standard of airport security and require United Nations members' conformance. The U.S.'s cooperation is discussed more in Part IV.

18. *See* Wald, *supra* note 2.

19. *See* Ron Marsico, *Screeners Missed 24.8% of Fake Bombs, Reports Say*, PATRIOT NEWS (Harrisburg), Oct. 8, 2004, at A4.

20. *See* Newark Airport Screeners Spot—Then Lose—Fake Bomb, DOW JONES INT'L NEWS, Dec. 15, 2004, available at Westlaw, 12/15/04 DJINS 17:24:00. One of the September 11 flights departed from Newark International Airport. *Id.*

21. *See* Mimi Hall, *Airport Screeners Missed Weapons*, USA TODAY, Sept. 23, 2004, at 1A.

22. *See* Tom Vanden Brook, *Jet Diverted After Singer's Name Comes up on Watch List*, USA TODAY, Sept. 22, 2004, at A2.

23. *Id.*

24. *See* Shannon McCaffrey, *Singer's Possible Terror Ties Bring Deportation*, PATRIOT NEWS (Harrisburg), Sept. 23, 2003, at A9.

25. Perhaps in recognizing that something needed to be done, Congress agreed on September 29, 2005, four years after putting the federal government in charge of airport security, to allow airports to employ private security companies to run airport security checkpoints. *See* Thomas Frank, *Lawmakers to Encourage Private Airport Security Screeners*, USA TODAY, Oct. 5, 2005, at 3A.

were stolen or damaged during its first eighteen months of existence.²⁶ In fact, as of August 2004, more than twenty TSA baggage screeners at three major airports had been charged with stealing from checked bags.²⁷ Second, screening personnel are not properly distributed between airports in order to maximize efficiency and security. For example, Nevada's Elko Regional Airport has only fifteen flights a day, but had fourteen TSA screeners.²⁸ Lastly, the TSA experienced an embarrassing situation when female passengers complained of screeners touching them between their breasts during pat-downs.²⁹ Now, screeners have been told to keep their hands within a "chest perimeter" when the roughly 2 million passengers a week are patted down.³⁰

B. Other Nations' Airport Security

The United States is not the only country that experiences problems with airport security. In August 2004, two Chechen women killed themselves and eighty-eight others in the bombings of two Russian passenger jets.³¹ One of the Chechen's had provided only her first initial and last name when she booked her ticket.³² Although the women had been detained in the Russian airport shortly before boarding, both were released by a police supervisor, and one bribed her way onto the aircraft she subsequently exploded.³³ The police supervisor responsible for antiterrorism operations, who was to examine their belongings and check them for potential involvement in terrorist organizations, had allowed them to board without any checks.³⁴

The United Kingdom's system of airport security is plagued as well. One television news reporter passed through security at Heathrow Airport, gained access to secret security plans, and used them to find a

26. See Matthew L. Wald, *U.S. to Pay Fliers \$1.5 Million for Pilfering of Checked Bags*, N.Y. TIMES, Sept. 10, 2004, at A20.

27. See Joe Sharkey, *When Checked Bags Are Checked by Thieves*, N.Y. TIMES, Aug. 31, 2004, at C8.

28. See Sally B. Donnelly, *Balking at the TSA*, TIME (Can. Ed.), Dec. 13, 2004, at 7, available at 2004 WL 66283497. Elko Regional Airport was the first in the U.S. to apply to get terminate TSA screeners and return to private employees. *Id.*

29. See *U.S. Airport Security Told Where to Pat*, GUELPH MERCURY (Ontario), Dec. 23, 2004, at B13, available at 2004 WL 99761879.

30. *Id.* More frequent and thorough pat downs had been implemented by the TSA because two Russian plane explosions that occurred after two Chechen women carried explosives on board. It is unknown where the women hid the explosives. *Id.*

31. See Chivers, *supra* note 3.

32. See David McHugh, *Traces of Explosives Also in Second Plane*, WINNIPEG FREE PRESS, Aug. 29, 2004, at A12.

33. *Id.*

34. *Id.*

route onto the runway.³⁵ Another reporter went undercover for an expose and became a security officer at Manchester Airport.³⁶ This reporter revealed security lapses, false records, and malfunctioning equipment.³⁷ For Pakistan International Airlines' flights, 1,000 passengers went through the airport, and only three random bag searches were performed.³⁸ Her report also revealed that airport personnel left aircrafts on the runway unattended and unlocked, and there was widespread disregard for security gates.³⁹

Canada, too, has its share of airport security woes. Security is primarily left to local police forces, which prevents a uniform, cooperative approach to airport security in the country.⁴⁰ While the Canadian Air Transport Security Authority (the Canadian equivalent to the TSA) oversees approximately 4,000 screeners,⁴¹ 89 designated airport authorities in Canada are not required to report to any higher authority.⁴² These designated airport agencies are primarily concerned with maximizing their revenue and have lobbied the Canadian federal government for the right to "set up their own rent-a-cop police forces."⁴³ Effective airport security requires more than a "rent-a-cop" force. Any skeptic need only go to any large mall in a big city and observe the security guards there, and the respect (or, more realistically, the lack thereof) given to them by mall patrons.

Canada has bigger problems than "rent-a-cops," however. At Halifax International Airport, three separate incidents involving security breaches have occurred in a three month period.⁴⁴ Air cargo is not systematically screened.⁴⁵ In perhaps the most alarming incident, over 1,000 airport security uniforms, including badges, went missing late last

35. See Mike Francis, *Sky News Reporter Demonstrates how Security Breached at Heathrow Airport, London, After Lifting Sensitive Document*, IRN NEWS, Dec. 4, 2004, available at 2004 WL 96941049. Heathrow Airport is one of the busiest airports in the world, and should thus be one of the most secure. *Id.* Such a grand failure by the security personnel is inexcusable.

36. See Brian Courtis, *Security Alert from the Inside*, THE AGE, Jan. 11, 2005, at A3, available at 2005 WL 55814827.

37. *Id.* Her supervisor continuously tested a metal detector that failed to detect a butterfly knife, with a blade of 20 centimeters. *Id.*

38. *Id.*

39. *Id.*

40. See Colin Kenny, *Why Our Airports Still Scare Me*, NAT'L POST (Can.), July 13, 2004, at A14, available at 2004 WL 85151880.

41. See Brian Daly, *Number of Items Seized at Airports Nears Million Mark*, GLOBE & MAIL (Toronto), July 19, 2004, at A6.

42. See Kenny, *supra* note 40.

43. *Id.*

44. See *Airport Security Breach Delays Passengers*, KITCHENER-WATERLOO REC. (Can.), Sept. 27, 2004, at A5, available at 2004 WL 93626332.

45. See Daly, *supra* note 41.

year.⁴⁶ If terrorists were to obtain these uniforms and badges, they could gain access to secure areas of Canadian airports and cause severe damage and loss of life. Preventing casualties and damage is the primary purpose of airport security. If this goal is achieved and maintained, a uniform global standard is needed.

II. United Nations Security Council's Authority and Power to Take the Initiative in Airport Security

The powers of the United Nations and its principal organs are created by the United Nations Charter.⁴⁷ The Preamble to the Charter states that the "peoples" of the United Nations are

determined . . . to promote social progress and better standards of life in larger freedom, . . . and for [this] end[] unite our strength to maintain international peace and security . . . to employ international machinery for the promotion of the economic and social advancement of all peoples . . . [and] have resolved to combine our efforts to accomplish these aims.⁴⁸

U.N. purposes also include maintaining international peace and security; taking effective measures for the prevention and removal of threats to peace;⁴⁹ achieving international cooperation in solving problems of an economic or social character;⁵⁰ and serving as the center for harmonizing the actions of nations in attaining these common goals.⁵¹ Safety in member nations' civil aviation is crucial to maintaining a sense of security both nationally⁵² and internationally; if terrorists succeed in causing further chaos by aircraft hijackings, international travel by aircraft would become increasingly burdensome, if not impossible, and the global economic market would be drastically affected.

The Security Council is the primary organ of the United Nations that deals with terrorist threats, and thus, the organ best equipped to craft a global standard of airport security.⁵³ U.N. member nations are responsible for accepting and carrying out any measure that the Security

46. See Elizabeth Thompson, *Angry Minister Demands Report on Air Security*, WINNIPEG FREE PRESS, Dec. 5, 2004, at A5, available at 2004 WL 98930438.

47. For the powers of the Security Council generally, see U.N. CHARTER, arts. 39-51.

48. U.N. CHARTER, pmbl.

49. *Id.* at art. 1, para. 1.

50. *Id.* at art. 1, para. 3.

51. *Id.* at art. 1, para. 4.

52. See, e.g., Canadian Air Transport Security Act, S.C. 2002, c. 9, Pt. I, s. 27 ("The provision of screening at an [airport] is conclusively deemed for all purposes to be a service that is necessary to prevent immediate and serious danger to the safety of the public.").

53. U.N. CHARTER art. 24, para. 1.

Council adopts,⁵⁴ because the U.N. Security Council is the only U.N. body whose resolutions are legally binding on member nations.⁵⁵ The member nations, naturally, vest the Security Council with the primary responsibility for the maintenance of international peace and security.⁵⁶ Thus, if the U.N. Security Council were to pass a resolution that created a uniform standard of airport security for all U.N. member nations, each member nation would be obliged to comply with the resolution.

The Security Council, if it determines that a threat to “the peace, breach of the peace, or act of aggression” exists, may make recommendations⁵⁷ or decide what measures, not involving the use of armed forces, are to be employed to give effect to its decisions. It may also call upon member nations to apply such measures.⁵⁸ The Council even has power to determine which member nations are required to carry out its decisions.⁵⁹ Once the Council decides this, those member nations are required to act not only directly, but also through any appropriate international agencies of which they are members,⁶⁰ and to join in providing assistance in carrying out such measures.⁶¹

Some legal scholars and political experts have argued that the Council is severely hampered because any of the five permanent members of the Council can veto any decision. This veto power has arguably led to a “paralysis” of the Council in the exercise of its supreme mandate to maintain international peace and security.⁶² Although the five permanent members of the Security Council (China, France, the Russian Federation, the United Kingdom, and the United States)⁶³ could block⁶⁴ the adoption of the resolutions necessary to establish a uniform global standard of airport security, they publicly and officially agree that only through joint efforts can they hope to stop or reduce terrorism.⁶⁵ Therefore, the Council could, and should, recognize the lack of a global

54. *Id.* at art. 25.

55. *See e.g.*, LINDA FASULO, AN INSIDER’S GUIDE TO THE UN (2004).

56. *Id.* at art. 24, ¶ 1.

57. U.N. CHARTER, art. 39.

58. *Id.* at art. 41.

59. *Id.* at art. 48, ¶ 1.

60. *Id.* at art. 48, ¶ 2. For a Security Council resolution to be binding, it must be a decision, utilizing the language “member nations shall . . .,” and not merely a recommendation. *Id.* at art. 24-25. *See also* THOMAS BURGENTHAL & SEAN D. MURPHY, PUBLIC INTERNATIONAL LAW §§ 2-7; 3-14 (3d ed. 2002).

61. *Id.* at art. 49.

62. *See* Erik Suy, *Is the United Nations Security Council Still Relevant? And Was it Ever?*, 12 TUL. J. INT’L & COMP. L. 7, 13 (2004).

63. *See* U.N. CHARTER art. 23, ¶ 1.

64. *See id.* at art. 27, ¶ 3 (“Decisions of the Security Council on all [non-procedural] matters shall be made by an affirmative vote of nine members including concurring votes of the permanent members.”).

65. *See* FASULO, *supra* note 56, at 80.

standard for airport security as a real and pervasive threat to international security and adopt a resolution whereby it assumes responsibility for implementing such a standard through a uniform global airport security system.

Still, the international community has been expressed some concern regarding the boundaries of the Council's power. As Judge Gros has commented:

[C]ertain limits on the powers of the Security Council are necessary because of the all too great ease with which any acutely controversial international situation can be represented as involving a latent threat to peace and security, even where it is really too remote genuinely to constitute one . . . [w]ithout these limitations, the functions of the Security Council could be used for purposes never originally intended.⁶⁶

However, in the above situation, member nations were using the Security Council to achieve ulterior motives, and there was "no threat to peace and security other than such as might be artificially as a pretext for the realization of ulterior purposes."⁶⁷ Considering the relaxed airport security and the very real "threat to peace and security" imposed thereby, and considering further that the proposed global airport security would be a Council initiated and sponsored effort, there leaves little room for any "ulterior purpose."

The Security Council's response to the September 11th attacks has implicitly recognized a need for better security. The day after the attacks, the Council passed Resolution 1368.⁶⁸ The Resolution appropriately espoused outrage in response to the attacks, but admittedly, it essentially amounted to a more strongly worded rephrasing of prior resolutions, which stopped just short of referring to international acts of terrorism as a threat to international peace and security.⁶⁹ Resolution 1269 pledged a common fight against terrorists everywhere and specified that member states should share information and refuse to provide a safe-haven for terrorists.⁷⁰ Implicit in this command is that terrorists must not be allowed safe passage onboard civilian aircrafts, for what good is a refusal to provide a haven for such individuals if countries allow them to

66. Legal Consequences for States of the Continued Presence of South Africa in Namibia (Southwest Africa) Notwithstanding Security Council Resolution 276 (1970) (S. Afr. v. Namib), 1971 ICJ 16 (June 21) (Gros, J., dissenting).

67. *Id.*

68. See S.C. Res. 1368, U.N. SCOR, 56th Sess., 4370th mtg., U.N. Doc. S/RES/1368 (2001).

69. See S.C. Res. 1269, U.N. SCOR 55th Sess., 4053rd mtg., U.N. Doc. S/RES/1269 (1999).

70. See FASULO, *supra* note 56, at 81.

reach a safe haven because of poor airport security?

Seventeen days after the attacks, the Council adopted Resolution 1373,⁷¹ which called upon members to “work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the international conventions relating to terrorism⁷² . . . [and to] find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks.”⁷³ It also decided that all members “shall . . . take the necessary steps to prevent the commission of terrorist acts . . . [and] prevent the movement of terrorists or terrorist groups by effective border controls.”⁷⁴ Arguably, this Resolution instructed member nations to exchange information regarding terrorist movement and to improve all programs that would undermine terrorist efforts.

The author has proposed a global airport security network, headed by the most powerful international organization. All member nations’ information on terrorist cell movements is shared through a central body. Global “no-fly” lists and warnings are issued instantly, because all relevant information has been analyzed and networked by a central body. Individuals and their luggage are carefully screened under a uniform set of guidelines, regardless of destination or the passenger’s national origin.

There is no better way to implement Resolution 1373 than the scenario described above. All member nations would comply with a Security Council Resolution in which the Council mandates a uniform standard of airport security for all member nations. This would necessitate the sharing of information regarding terrorist movements. Such a system would enable instant identification of suspected terrorists or “red-flagged” individuals attempting to board an aircraft.

It must be noted that this monumental task would not be left to the International Civil Aviation Organization (ICAO), the world’s leader in determining policies to prevent terrorist attacks using commercial airliners.⁷⁵ Part of the ICAO’s general mandate is to develop international standards for aviation safety, and in 2002, it approved a security plan that includes regular audits of airport security.⁷⁶ However, the ICAO is not part of the U.N., and its policies are not binding law.⁷⁷

71. S.C. Res. 1373, U.N. SCOR 56th Sess., 4385th mtg., U.N. Doc. S/RES/1373 (2001).

72. *Id.* at 1.

73. *Id.* at 3.

74. *Id.* at 2.

75. See FASULO, *supra* note 56, at 88.

76. *Id.*

77. *Id.*

Therefore, for meaningful change, the U.N. Security Council must take charge.

A required standard for uniform airport security for all member nations would allow the U.N. to reestablish the international strength and legitimacy that it may have lost as a result of recent international events, including the United States' invasion of Iraq. By addressing the problem of varied standards of airport security, and providing the workable solution of a uniform standard, the U.N. has a unique opportunity to save lives, to provide security for all member nations, and to strengthen the institution. The Council has already expressed a desire to implement this effort.⁷⁸ Indeed, the drafters of the U.N. Charter meant for the Security Council to serve as the "teeth of the United Nations."⁷⁹

By instituting a uniform airport security standard, the U.N. would reassert its vision of the international community and act as the mechanism for a global entity of leadership concerned with the common good. Furthermore, the U.N. could reestablish its moral strength of leadership, reaffirm its goal to protect all member nations, and solidify its legitimacy. By devising a standard of airport security for all member nations, and calling upon them for help and support, the U.N. would demonstrate that it has a critical stake in enhancing the security, freedom, and economic well-being of all nations around the globe.

Of course, in order for this vision to be realized, the Council needs to pass a resolution with some muster. Decisions made by the Security Council with respect to international security issues are crafted in the form of either recommendations or as binding decisions.⁸⁰ Political considerations have led the Council to favor non-binding recommendations rather than binding decisions.⁸¹

Although it undoubtedly strengthens the Council's political position when it "supports" and "commends" efforts to promote universal participation in anti-terrorism programs⁸² and to "affirm" long-term and

78. S.C. Res. 1456, U.N. SCOR, 58th Sess., 4688th mtg. at 4, U.N. Doc S/RES/1456 (2003).

79. The Charter of the United Nations: Hearings Before the Senate Comm. on Foreign Relations, 79th Cong., 1st Sess. 87 (1945) (report to the President by the Secretary of State), cited in Maury D. Shenk, *The United Nations Security Council Consultation Act: a Proposal for Multilateral Resolution of Internal Conflict*, 28 STAN. J. INT'L L. 247, 250 (1991).

80. U.N. CHARTER, art. 39.

81. See Shenk, *supra* note 79, at 250. Political considerations include a tendency to avoid demanding action because of political sensitivities and a desire to maintain Security Council prestige by not requiring actions that nations are unlikely to execute. *Id.* However, it is this author's position that a need for a strong airport security system transcends any politically sensitive issues, and that demanding all member nations conform to a uniform standard will restore some vigor to the Council.

82. S.C. Res. 1269, *supra* note 69, at 1.

inclusive approaches in the international community as essential to fighting terrorism,⁸³ a more forceful action is needed from the Council. The Council has repeatedly “reaffirmed” the great horrors and immense impact of terrorist acts and the need to combat them.⁸⁴ The time for the politically gratifying pacifism of “reaffirming” has passed; the time for decisive binding action is now.

In reality, the Council has already laid the foundation for such a binding decision in the resolutions discussed above. The Council needs to take these groundwork resolutions to their logical conclusion. Resolution 1373⁸⁵ established the Counter Terrorism Committee to oversee the enforcement of the binding decision that all member nations “take the necessary steps to prevent the commission of terrorist acts,”⁸⁶ and after a period of monitoring the member nations, directed it to “intensify its efforts to promote” the application of Resolution 1373 by the member nations.⁸⁷

The Counter Terrorism Committee should develop the uniform airport security standards because it is responsible for monitoring member nations’ compliance with Resolution 1373 and collecting relevant information.⁸⁸ The Committee, charged with ensuring that all member nations observe their “formal obligations . . . [in the] ambitious task of raising the . . . level of government performance against terrorism all over the world,”⁸⁹ is logically the body that should develop a uniform global airport security plan for the Security Council’s approval and adoption.

The Committee identified as an essential stage of implementation of Resolution 1373 that all member nations should have appropriate and

83. S.C. Res. 1377, U.N. SCOR, 56th Sess., 4413th mtg. at 2, U.N. Doc S/RES/1377 (2001).

84. See, e.g., S.C. Res. 1456, *supra* note 78; S.C. Res. 1526, U.N. SCOR, 59th Sess., 4908th mtg., U.N. Doc S/RES/1526 (2004); S.C. Res. 1566, U.N. SCOR, 59th Sess., 5053rd mtg., U.N. Doc S/RES/1566 (2004).

85. S.C. Res. 1373, *supra* note 71, at 3.

86. *Id.* at 2.

87. S.C. Res. 1456, *supra* note 78, at 3. The Security Council also made it a matter of priority for the Committee’s work in close cooperation with other international organizations to better monitor this implementation of Resolution 1373 a priority. See S.C. Res. 1566, *supra* note 84, at 2.

88. See S.C. Res. 1373, *supra* note 71, at 3.

89. REPORT BY THE CHAIR OF THE COUNTER-TERRORISM COMMITTEE ON THE PROBLEMS ENCOUNTERED IN THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 1373(2001), at 4, U.N. Doc. S/2004/70 (2004). The report discusses the difficulties with the Committee must deal with in their gathering of information and monitoring of member nations; most prominent is that the Committee does not directly provide technical assistance to member nations. The report finds it to be critical that the Committee play a more proactive role. *Id.* at 8-9.

adequate legislation enacted to combat terrorism.⁹⁰ Thus, the Committee could gather information on the security systems in place in member nations, study their effectiveness, and establish a uniform global standard for airport security based on these findings. The Committee has already asked the Security Council to set clear directions for its future, deepen its efforts to promote implementation of Resolution 1373, strengthen its ability to provide assistance to member nations, and improve its capacity to make recommendations to the Council.⁹¹

The Council could accomplish all of those goals by passing a resolution directing the Committee to develop a global uniform system of airport security, based on the information it has already collected and on subsequent information it will collect pursuant to that resolution. Once the Committee developed the uniform system, it would submit its recommendations for a standard to the Council for approval. Once approved, the Council would then pass another resolution directing all member nations to conform to this standard, and directing the Committee to aid them in doing so, in accordance with the directives expressed in Resolution 1373. If need be, the Security Council could also reaffirm the importance of these directives, and express its mindfulness of the necessity of international cooperation to combat terrorism, and recognize the need for a global uniform standard of airport security.

III. A Suggested Framework for the Uniform Global Airport Security Standard

The most important starting point for a uniform standard of airport security should be identifying and implementing its primary objective: stopping terrorists from using civil aviation for their ends. To do this, each person passing through a screening point or boarding an airplane must receive the same treatment. Failure to treat people in a uniform manner bolsters holes in the system that terrorists could exploit, leading to more tragedy. Checks based on visual profiles would momentarily prevent terrorists from boarding because invariably, terrorists would either recruit members who do not fit the profiles or use elaborate disguises. Therefore, uniformity in treatment is an important objective.

As discussed above, the Counter Terrorism Committee would

90. *Id.* at 10.

91. LETTER DATED 19 FEBRUARY 2004 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1373 (2001) CONCERNING COUNTER TERRORISM ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, at 3-4, U.N. Doc. S/2004/124 (2004). This letter came a month after the Committee Chair's report on the need for the Committee to be more proactive. It asks the Security Council to almost completely restructure the Committee so as to allow it to be more proactive in assisting member nations. *Id.*

gather information before devising a uniform standard. Inherent in this collection process is examining and cooperating with other international organizations.⁹² The International Civil Aviation Organization's⁹³ recommended screening setup is a logical starting place. Under the recommended setup, each "team" unit at any airport gate would consist of a five member team of screeners who rotate positions, along with equipment, every twenty minutes.⁹⁴ The x-ray unit for hand-carried items would be positioned next to a walk-through metal detector (known as a magnetometer) for passenger screening.⁹⁵ One member would direct the flow of hand baggage, while another would monitor the video display, which reveals the items being x-rayed.⁹⁶ The third member would search any items selected during the x-ray process for further examination, and the fourth would control the movement of passengers through the magnetometer. The fifth member would manually frisk those passengers who trigger the magnetometer's alarm.⁹⁷ The fifth member may use a hand-held metal detector as a frisking aid.⁹⁸

While gathering information, the Committee would also examine the measures member nations currently have in place to protect their airports from terrorist interference. A useful starting point in building a uniform standard would be those mechanisms that have already been proven effective for member nations. Despite the shortcomings and incidents described above, some member nations have substantial rules in place; they simply need to be more uniformly enforced.

Although the basic screening team has been discussed above, airport security must be triggered even before a person approaches the screening area; it must begin when a person purchases a ticket. For instance, a former official in the U.S. Department of Transportation has observed that passengers holding one-way tickets are searched far more thoroughly and more often than those holding round-trip tickets.⁹⁹ Terrorists could easily determine this pattern and simply purchase round-trip tickets, but obviously never utilize the return trip. Further, the official also observed that anyone traveling in flight segments (i.e. with

92. S.C. Res. 1373, *supra* note 71, at 2.

93. See WALLIS, *supra* note 1, at 68-69.

94. *Id.* at 74. The purpose of the twenty minute rotations is to minimize the boredom associated with repeatedly doing the same task, thereby keeping team members astute to their duties. Specifically, rotation prevents the person monitoring the video display unit from becoming ineffective, as twenty minutes is considered the maximum amount of time a screener can view the video display effectively. *Id.* at 75.

95. *Id.*

96. *Id.*

97. *Id.*

98. *Id.*

99. See Mary Schiavo, *Flying Right: What it Takes to Make Aviation Safer and More Secure After 2001*, 14 DEPAUL BUS. L.J. 279, 282 (2002).

stopovers) is searched, but if the passenger's entire flight is booked with the itinerary on all segments, the passenger is no longer subject to search at each stop.¹⁰⁰ Thus, all passengers, regardless of the type of ticket they hold, should be searched with equal force.

A search of each passenger prior to the screening point should occur regularly as well. Screeners should be readily identifiable by the uniforms they wear. An incident involving a screener in Los Angeles, who while in regular business attire asked passengers at a gate if they had been screened, and subsequently allowed passengers to board the plane,¹⁰¹ are inexcusable. If any of those passengers had been terrorists and had managed to pass the screening point without being checked, they were just provided an opportunity to murder. All screening stations must ensure that *every* passenger is checked and that all screeners are easily distinguishable; otherwise, any person, including a terrorist, could pose as a screener and allow other terrorists to board an airplane.

Those who travel on commercial airlines expect some type of limited search, usually involving a cursory inspection with a scan by a metal detector. However, this procedure is not entirely safe because the detectors cannot detect non-metallic guns or plastic explosives.¹⁰² Therefore, other types of technology are needed, including imaging devices that allow screeners to see through passenger clothing without revealing anatomical details.¹⁰³

The precise procedures must be clear-cut and unequivocal. There can be no room for doubt when something as serious as airport security is in jeopardy. The standards must be easy to identify and must leave nothing to interpretation. The regulations already in place for some member nations are admirable in this respect, and they may be utilized in crafting a uniform standard.

Before uniform standards can be implemented, however, member nations must have the requisite number of employees. In addition, a uniform standard of employment is also necessary in order to ensure that dangerous individuals are not allowed to create dangerous situations from within. The uniform system should set minimum requirements for the number of individuals hired for training, re-training, screening points and airports, as well as their language skills, and education levels.¹⁰⁴

100. *Id.*

101. *Id.* at 283.

102. See Jason Lazarus, Note, *Vision Impossible? Imaging Devices—The New Police Technology and the Fourth Amendment*, 48 FLA. L. REV. 299, 317 (1996), cited in Daniel III, *supra* note 11, at 1634.

103. Daniel III, *supra* note 11, at 1634.

104. These minimum requirements are drawn from those set out in 49 U.S.C.S. § 44935.

The TSA has set such employment standards in the U.S., which include a “satisfactory” or better score on a screener selection exam, citizenship or naturalization, fitness for duty, a background check, and disqualification of individuals who could pose a security risk.¹⁰⁵ Similarly, Australia requires a background security check.¹⁰⁶ TSA employment standards also require the individual to possess a diploma or G.E.D., have the visual and aural acuity necessary to perform physical searches, distinguish between colors, and thoroughly manipulate and handle baggage and other containers subject to security processing.¹⁰⁷

The U.S. regulations call for a proficiency in the English language,¹⁰⁸ but in many countries, including Canada, several languages are commonly spoken among security staff. Therefore, the Canadian regulations provide guidance on the language proficiency requirement because screening authorities there are required to “carry out screening by means that effectively enable communication with members of the public in the official language of their choice” and provide any printed or pre-recorded material in that language if the material is used in the screening process.¹⁰⁹ This rule is reasonable and important because screeners must provide instructions and communicate with the passengers in the language that the passengers speak. The Committee should seriously consider requiring proficiency in the languages spoken regularly in the airport because of the practical benefits such a requirement would have in ensuring the safety of passengers. Other than the language proficiency requirements, the qualifications established by the TSA are similar to those in other member nations,¹¹⁰ so they present a blueprint for formulating the uniform requirements.

Once selected based on the uniform criteria, employees must be trained. The TSA again has admirable standards. At a minimum, a screener must complete forty hours of classroom instruction, sixty hours of on-the-job training, and pass an on-the-job training examination.¹¹¹

105. *Id.* Anyone with a felony conviction in the ten year period prior to the check is excluded from the possibility of employment. Fitness for duty also includes an absence of dependency on drugs or alcohol. A preference for veterans is also expressed. *Id.*

106. *See Pilots to Face Compulsory Security Checks*, AUSTL. BROAD. CORP. NEWS, Dec. 1, 2004, available at 2004 WL 101311594. A private investigative company will perform the background checks. *Id.*

107. *Id.*

108. *Id.* Proficiency must be such that the screener can read airline tickets, labels on items to be screened, and identification credentials; write incident reports; and provide answers and directions to all questions asked in English. *Id.*

109. *See Canadian Aviation Security Regulations*, SOR/2000-111, s.9. The regulations applies to airports “where there is a significant demand from at least five percent of the traveling public for services in either official language[.]”

110. *See, e.g.*, Air Navigation Regulations, 2002, regs. 71-72 (Austl.).

111. *See* 49 U.S.C. § 44935 (2004).

Similar requirements are in place for equipment use and proficiency in recognizing new weapons and threats.¹¹² Keeping screeners on pace with terrorists as technology advances is critical because if a potential threat goes unrecognized, the threat is realized. Further, to be effective, each screener must know how to operate screening equipment properly. Finally, if a member nation chooses to contract with private security companies for the provision of screening services, as Canada has done with some of its airports,¹¹³ the uniform training standards must be the same for those private companies as well. The Committee must keep this in mind when formulating uniform training standards.

Once the personnel are in place and trained, what powers should they have, and what should they do? It is clear that all baggage should be screened. Australia screens all checked bags,¹¹⁴ and the U.S. screens all checked and carry-on luggage.¹¹⁵ The U.S. and Australia also provide for the screening of all passengers.¹¹⁶ However, this was not always the case in member nations; previously, Canada did not require the screening of all passengers.¹¹⁷ All baggage and all passengers must be screened, because it only takes one unscreened terrorist or package to cause another tragedy. The Committee should note this and author a uniform standard accordingly.

Although the items that screeners should look for and confiscate would seem evident, without a uniform standard, what is allowed and what is forbidden will continue to vary. No weapons¹¹⁸ or explosive material¹¹⁹ should be allowed to pass through the screening process. Passengers who do not consent to the screening of themselves¹²⁰ and

112. *Id.*

113. See Stephen Cretier, *Garda Announces New Material Agreements*, CAN. STOCKWATCH, Jan. 14, 2005, available at 2005 WL 60284835. The private company Garda became responsible for airport screening and security at eighteen regional airports in Canada. *Id.*

114. *Air Security*, SUNDAY TEL. (S. Wales), Jan. 2, 2005, at 13, available at 2005 WL 56886714. Not surprisingly, not all bags were previously screened.

115. 49 U.S.C.S. § 44901 (2004) ("screening of all passengers and property including . . . carry on and checked baggage, and other articles that will be carried aboard a passenger aircraft").

116. *Id.* See also Air Navigation Act, 2002, § 20 (Austl.).

117. See Aeronautics Act, R.S.C. 1985, c. A-2, cited in Sujit Choudhry and Kent Roach, *Racial and Ethnic Profiling: Statutory Discretion, Constitutional Remedies, and Democratic Accountability*, 41 OSGOODE HALL L.J. 1, 8 (2003).

118. See 49 U.S.C. § 44901 (2004); Air Navigation Act, 2002, § 22 (Austl.).

119. See 49 U.S.C. § 44901 (2004). The U.S. regulations provide for either the use of explosive detection systems or alternative means for screening checked baggage. One alternative means is ensuring that no checked bags are loaded into the cargo hold unless the passenger who checked the bag has boarded the plane. Others include a manual search, bomb-sniffing dogs, or any other approved means or technology. *Id.*

120. *Id.* at § 44902 (providing mandatory refusal of passengers who do not consent to searches of themselves and their property). See also Canadian Aviation Security

their baggage¹²¹ must not pass through security. To this end, the screeners need the authority to require identification,¹²² to require a person to remove outer clothing in order to screen that person properly,¹²³ to require a passenger to undergo a frisk search,¹²⁴ and to detain (and physically restrain, if necessary) anyone the screener suspects "is committing or has committed" an offense endangering airport security.¹²⁵

There are other considerations that the Committee must keep in mind when developing the uniform standard. The use of identity cards and biometrics has the potential to vastly decrease the potential for terrorist access to secure areas. The U.S. has requirements for the use of biometric technology in accessing controlled airport areas,¹²⁶ and Canada is implementing such data in controlling access to restricted areas.¹²⁷ Australia will ground regional airlines that fail to issue identification cards to all employees.¹²⁸ The Australian security cards must include the

Regulations, SOR/2000-111, § 10 (preventing anyone who refuses to allow a search of their person or property from passing through security).

121. Air Navigation Act, 2002, § 22C (Austl.).

122. See Air Navigation Regulations, 2002, reg. 55 (Austl.). The regulation provides that a security officer "may" request a person to produce identification when the officer "reasonably believes" that person has committed, is committing, or will commit an act offensive to airport security. *Id.* The act also requires that the officer asking for the person's identification must first present his or her own identification card. *Id.* The author's position is that a screener should be given authority to ask for identification without any such qualifications or restrictions, other than producing a valid identification card when asked.

123. See Aviation Transport Security Act, 2004, § 95 (Austl.). The act only allows for a screener to "request" a person to remove an item of clothing; a screener must not require the person to do so. *Id.* It is the author's view that the screeners need to be given the power to require the passenger to do so.

124. See Aviation Transport Security Act, 2004, § 95B (Austl.). The Act allows screeners to "request" passengers to undergo a frisk search and state that screeners must not "require" passengers to submit to a frisk search. *Id.* However, it is again the author's view that screeners must be authorized to require passengers to do so.

125. *Id.* at § 96.

126. See 49 U.S.C. § 44903 (2004). The regulation calls for TSA officials to consult with representatives from the airline industry, biometrics identifier industry, and the National Institute of Standards and Technology, to establish a set of technical system requirements and standards for biometrics use to control access to secure airport areas. By gaining such perspectives, the system developed would be secure, reliable, and effective. *Id.* Further objectives of this meeting include: developing a list of biometric identifier products and dealers as well as procedures for implementing such equipment; taking all possible precautions against false positives and false negatives, and mandating a process and timeline for getting all of this in place. *Id.*

127. See *Airport Employees Will Soon Have to Present Their Biometric Data—Fingerprints or Eye Scans—Before Gaining Access*, BROAD. NEWS (Montreal), Oct. 16, 2004, available at 2004 WL 95965616.

128. See *Anti-Terror Upgrade for Airlines*, DAILY TEL. (Sydney), Dec. 1, 2004, at A28, available at 2004 WL 100855522.

name of the screener, his or her recent photo, an identification number, and an expiration date.¹²⁹ Requiring airport security personnel to have identification cards and using biometrics to limit access to secure areas of the airport could keep terrorists out of restricted areas and save lives. The Committee would do well to recognize the merits of identification cards.

After formulating a basic system, the Committee need only formulate a way of assessing its effectiveness and preventing individuals who present terrorist threats from passing through and devise a scheme of penalties or punishments for member nations that do not comply with the Security Council's decision. The U.S. model is typical, requiring periodic assessments to determine vulnerabilities, and allowing the TSA to conduct unannounced inspections.¹³⁰ Considering the massive and revolutionary nature of a uniform airport security standard, the Committee must be aware of the importance of initial and continued testing of the system at all places of implementation. Enduring diligence is required to stop terrorism.

The U.S. regulations also provide a useful tool in determining a uniform standard for penalties. The TSA requires an assessment of foreign airport security.¹³¹ If the foreign airport does not meet the TSA's standards, U.S. actions include publishing the identity of the airport in the Federal Register, prominently displaying it at all U.S. airports at which common airlines arrive regularly, and notifying the media of the airport's identity.¹³² The regulations also allow the president to forbid any airline from providing service between that foreign airport and any U.S. airport.¹³³ In fact, the regulations further provide that the president has the authority to cut off foreign assistance to the country in which the airport is located.¹³⁴ The United Nations has the potential to magnify such sanctions against member nations with non-compliant airports. With the prospect of cutting off essentially an entire world's aid to a

129. See Air Navigation Regulations, 2002, reg. 95A (Austl.). To obtain such a card, an individual must verify his or her identity by providing two forms of identification, and must not have a criminal record causing his or her employment to be adverse to the interests of airport security. *Id.*

130. See 49 U.S.C. § 44916 (2004). The TSA is also instructed to perform audits of these assessments periodically. *Id.*

131. *Id.* § 44907 (2004).

132. *Id.* The Secretary of Transportation is instructed to perform such assessments at foreign airports from which foreign airlines serve the U.S. or "which pose a high risk of introducing danger to international air travel." *Id.* The Secretary is to carry out the assessment in consultation with appropriate authorities of the nation in which the airport is located, as well as with representatives of each carrier serving the airport. *Id.*

133. *Id.*

134. See 49 U.S.C. § 44908 (2004). The President is required to suspend any assistance provided under either the Foreign Assistance Act or the Arms Control Act. *Id.*

country, or forbidding virtually any airline to fly into an airport, such a scheme of penalties would almost certainly command compliance.

Although the above measures are not nearly sufficient or exhaustive to provide a complete system for a uniform standard of airport security, they present a tenable framework that the Security Council's Counter Terrorism Committee could utilize to prepare such a standard.

IV. Conclusion

If the Security Council were to provide a standard for airport security, member nations would experience two significant effects: first, government funds related to the expense of developing and monitoring airport security would be available for other use; and second, and more important, member nations would be assured that terrorists were both prevented from endangering aviation security and punished for those security breaches to the fullest extent.

There would be significant monetary benefits to such a plan as well. The United States could stand to save part of the \$4.8 billion that was the TSA's budget for its first full year of funding in 2003.¹³⁵ Additionally, passengers would see a nominal monetary benefit because the TSA would no longer require all U.S. and foreign airlines to collect the \$2.50 security fee surcharge for each flight segment originating at a United States airport.¹³⁶

It could be said that truly collective security may be an unrealistic aspiration for the United Nations. Collective security, as embodied in the U.N. Charter, was premised on a willingness of states to cede control to the United Nations in order to protect other member nations.¹³⁷ It was also based on member nations foregoing their rights to enforce their interests in ways chosen by them.¹³⁸ It has been noted by some that is unlikely that there will be a substantial shift in the attitudes of member nations on these issues.¹³⁹ However, it is this author's belief that if the United Nations Security Council can demonstrate its ability to develop

135. See THE U.S. TRANSPORTATION SECURITY ADMINISTRATION, *supra* note 14, at 37.

136. *Id.* This benefit may not be fully realized, however, as each nation's governmental organization dealing with airport security will still be required to fund its own security. Nevertheless, the government will not spend as much on developing the system because the U.N. will have done so.

137. See Martti Koskenniemi, *The Place of Law in Collective Security*, 17 MICH. J. INT'L L. 455, 463-64 (1996).

138. See Karl Doehring, *Collective Security*, in 1 UNITED NATIONS: LAW, POLICIES, AND PRACTICE 110 (Rumudiger Wolfrum, ed., 1995).

139. See Helmut Freudenthuss, *Between Unilateralism and Collective Security: Authorization of the Use of Force by the UN Security Council*, 5 EURO. J. INT'L L. 492, 530 (1994).

an effective uniform standard of airport security for United Nations member nations, especially given many member nations' inability to construct such programs for themselves, member nations will work with the Council to bring about a global system of uniform airport security.

The United States must be on board for such a revolutionary action if it is to have a chance for acceptance and legitimacy throughout the world. According to Richard Holbrooke, who negotiated the Dayton Accords that ended the war in Bosnia in 1995, "the U.N. is only as good as the U.S. commitment, and the U.N. cannot succeed if the U.S. does not support it."¹⁴⁰ In fact, in the Security Council, the U.S. is very much the dominant power, and its active support is required for major decisions.¹⁴¹ When the U.S. leads a particular initiative at the U.N., it is nearly always followed by U.N. member nations.¹⁴²

Thus, the United States must recognize that airport security is not merely a domestic matter, but truly an international problem. International cooperation, through the U.N. Security Council, is necessary if any country, not just the U.S., is to have any hope of combating terrorism. Fortunately, the United States' view on the importance of the Security Council appears positive, "Working with the U.N. system helps us better leverage our political [and] financial . . . capabilities, so as to be ready to respond to any new challenges that arise."¹⁴³ The prospects for peace would be advanced significantly if member nations recognize that the Security Council is the appropriate institution to handle international security issues.¹⁴⁴ Thus, the United States would benefit by recognizing its obligation to cooperate and consult with the Council to develop a uniform airport security standard.¹⁴⁵

Further, U.S. regulations require the Secretary of State to work toward a multilateral agreement that strengthens standards for airport security and enforcement measures.¹⁴⁶ With this responsibility in mind, the author feels that, given a strong showing by the Security Council in its decision to provide and require adherence to a system of uniform airport security, the United States would commit to working with the Counter Terrorism Committee towards both its own compliance and that

140. FASULO, *supra* note 56, at 10.

141. *See id.* at 41.

142. *Id.* at 11.

143. Kim R. Holmes, The U.S. Role in the United Nations, Remarks Before the Defense Orientation Conference Association (Oct. 13, 2003), *available at* <http://www.state.gov/p/io/rls/rm/2003/26040.htm> (cited in Suy, *supra* note 60, at 25) (last visited Oct. 23, 2005).

144. *See* Shenk, *supra* note 79, at 281.

145. *Id.*

146. *See* 49 U.S.C. § 44910 (2004).

of other nations.

In the endeavor to develop a uniform airport security system, the support of the Secretary General will also be of monumental importance. Kofi Annan is one of the most influential international figures in recent memory.¹⁴⁷ If he prioritizes an issue, “the U.N. system and the world in general pay much more attention than if the U.N. passes some dreary resolution.”¹⁴⁸ Therefore, Secretary General Annan should influence the member nations to initiate discussions in the Security Council regarding this important matter.

The path towards a uniform standard for airport security will not be easy, nor will it be quick, neither in conception nor in implementation. However, if the Security Council committed itself to providing a standard, its authority to require adherence thereto and its dedication to helping member nations achieve compliance would enable airline passengers around the world to find themselves flying friendlier and safer skies.

147. See FASULO, *supra* note 56, at 29.

148. *Id.*